

1 PETER H. CUTTITTA – SBN 3050

Email: cuttitta@portersimon.com

2 BRIAN HANLEY – SBN 9052

Email: hanley@portersimon.com

3 PORTER SIMON

Professional Corporation

4 675 Sierra Rose Dr., Suite 116

Reno, NV 89511

5 Telephone: (775) 322-6767

Facsimile: (530) 587-1316

6 CHARLES N. FREIBERG – Admitted *Pro Hac Vice*

Email: cfreiberg@kasowitz.com

BRIAN P. BROSNAHAN – Admitted *Pro Hac Vice*

8 Email: bbrosnahan@kasowitz.com

DAVID A. THOMAS – Admitted *Pro Hac Vice*

9 Email: dthomas@kasowitz.com

JACOB N. FOSTER – Admitted *Pro Hac Vice*

10 Email: jfooster@kasowitz.com

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

11 101 California Street, Suite 2300

San Francisco, CA 94111

12 Telephone: (415) 421-6140

Facsimile: (415) 398-5030

13 Attorneys for Plaintiffs

14 SUSAN K. MYERS, MICHAEL F. MYERS
and KEITH J. GOTT

16 **UNITED STATES DISTRICT COURT**

17 **FOR THE DISTRICT OF NEVADA**

18 SUSAN K. MYERS, individually and as
trustee of the Susan K. Myers Living Trust
19 dated January 8, 2001, MICHAEL F.
MYERS, individually and as trustee of the
20 Susan Myers Massachusetts Trust, dated July
21 11, 2008, and KEITH J. GOTT, as trustee of
the Michael F. Myers Massachusetts Trust,
22 dated October 23, 2008, and the Michael F.
Myers Massachusetts Trust, dated December
23 3, 2008,

24 Plaintiffs,

25 v.

26 JAMES ARCHIBALD and PORT CAPITAL
MANAGEMENT LLC, a limited liability
company,

27 Defendants.

Case No: 3:10-cv-258-RCJ-RAM

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I, JANE SULLIVAN, declare that I am a citizen of the United States and I am over 18 years of age. I am not a party to the above entitled action. My business address is 101 California Street, Suite 2300, San Francisco, California 94111.

On May 11, 2011, I caused the attached document entitled:

SECOND AMENDED COMPLAINT FOR: 1) FRAUD AND MISREPRESENTATION; 2) FRAUD BASED ON CONCEALMENT AND OMISSION; 3) NEGLIGENT MISREPRESENTATION AND OMISSION; 4) BREACH OF FIDUCIARY DUTY; 5) PROFESSIONAL NEGLIGENCE; 6) UNJUST ENRICHMENT; 7) VIOLATION OF NEVADA'S CONSUMER PROTECTION LAWS; DEMAND FOR JURY TRIAL

to be sent the following:

Louis M. Ciavarra, Esq.
AiVi Nguyen, Esq.
Bowditch & Dewey, LLP
311 Main Street
P.O. Box 15156
Worcester, MA 01615-0156

Email: lciavarra@bowditch.com
Email: anguyen@bowditch.com
Tel. No.: 508-926-3408
Fax No.: 508-929-3011

Attorneys for Defendants JAMES
ARCHIBALD and PORT CAPITAL
MANAGEMENT, LLC

Stephen C. Balkenbush, Esq.
THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER
6590 S. McCarran, Suite B
Reno, NV 89509

Email: sbalkenbush@thorndal.com
Telephone: (775) 786-2882
Facsimile: (775) 786-8004

Attorneys for Defendants JAMES
ARCHIBALD and PORT CAPITAL
MANAGEMENT, LLC

☒ **By Electronic Service (LR 5-3)**. I caused the above-documents to be electronically filed on this date with the clerk of the Court using the CM/ECF system, which will automatically e-serve the same on the attorneys of record indicated on the generated Notice of Electronic Filing and served as follows any attorneys of record which are designated on the Clerk's Service List(*) to require alternate service as follows:

☐ **By Mail**. I placed the above-documents in sealed envelope(s), with postage thereon fully prepaid, for collection and mailing at San Francisco, California, following ordinary business practices. I am readily familiar with the practices of Kasowitz, Benson, Torres and Friedman for processing of correspondence, said practice being that in the ordinary course of business, correspondence is deposited in the United States Postal Service the same day as it is placed for processing.

☐ **By Federal Express**. I served such envelope or package to be delivered on the same day to

1 an authorized courier or driver authorized by Federal Express to receive documents, in an
2 envelope or package designated by Federal Express.

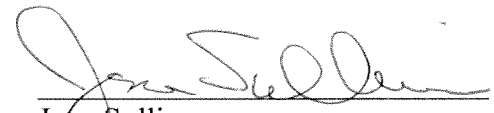
3 ☐ **By Personal Service.** I caused the above documents to be delivered by hand to the
4 addressee(s) noted above.

5 ☐ **By Facsimile.** I caused the above documents to be served via facsimile electronic equipment
6 transmission to the number indicated after the address(es) noted above.

7 ☐ **By Email.** I caused the above documents to be served via email transmission to the e-mail
8 address(es) noted above.

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on May 11, 2011 at San Francisco, California.

11 
12 Jane Sullivan
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28